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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/443,038	11/18/99	MCCROSSIN	J 11324/1

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EXAMINER

HESS, R

ART UNIT	PAPER NUMBER
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2764

DATE MAILED: 08/04/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/443,038

Applicant(s)

MCCROSSIN ET AL.

Examiner

Richard W. Hess

Art Unit

2764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

### DETAILED ACTION

1. Claims 1–43 have been examined.

#### *Drawings*

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102((e), f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1–9, 16–18, 26 and 33–35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnaure et al (PCT Patent No. WO 98/04088) and Ye, "A Proposal

For A Geographic-Based Address Structure for IPv6", Masters Thesis, DalTech, Dalhousie University, Halifax, Nova Scotia, 1998.

As per Claim 1, Bonnaure et al discloses a method of providing information to a user (page 19, lines 19–22) comprising:

- Collecting information at a first computer system (page 12, lines 13–29).
- Organizing the information into a plurality of first web-sites (page 7, lines 18–33).
- Bonnaure et al teaches that each of the first web-sites are accessible by a network address associated with the client's geographical location (page 18, lines 24–30), but does not explicitly state that the network address is a unique Universal Resource Locator (URL) having a physical location associated therewith as claimed by the applicant. Ye teaches a geographic-based URL address structure (Chapter 2, pages 11–22). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al with the geographic-based URL taught by Ye to get the invention as claimed by the applicant. The advantages are to enable the creation of location dependent services (Ye, page 8, section 1.4, lines 5–6).
- Providing one of the first web-sites to a user as a user web-site (page 6, lines 24–32); and
- Selecting links to a plurality of first web-sites for presentation on the user web-site based on a relationship between the physical locations associated with the first web-sites and the physical location associated with the user web-site (page 20, lines 17–23).

As per Claim 2, Bonnaure et al explicitly discloses that the users accesses the user web-site (Figure 11, block 1112).

As per Claim 3, Bonnaure et al explicitly discloses that his system is able to ascertain the geographic locality of the user's web-site (page 19, lines 9–10), but does not explicitly state that the user web-site is the physical location of a computer system of the user as claimed by the applicant. Ye teaches that his geographic-based address structure can be use to pin point the location of the user's computer down to one centimeter resolution (page 70, section 5.6, second paragraph, lines 1–2). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al with the ability to locate the physical location of the user's computer as taught by Ye for the advantage of enabling the creation of location dependent services around the actual user location.

As per Claim 4, Bonnaure et al explicitly teaches that the physical location associated with the user web-site by the user is specified by the user (page 18, paragraph 3, lines 2–3).

As per Claim 5, Bonnaure et al expressly states that the physical location associated with the user web-site is based on a current telephone number at which the user is located (page 18, paragraph 3, lines 6–8).

As per Claim 6, Bonnaure et al teaches a method where the telephone number used to connect to the network system (page 18, paragraph 3, lines-9–15), determines the physical location of a user. Bonnaure et al also teaches that the user specifies the physical location at a first time (page 8, second paragraph, lines 1–3). In order for a

physical location based addressing scheme to effective, the addressing scheme would inherently have a way to update the physical location of the user as the user's location changes. Bonnaure et al does not expressly state that the user's location is modified by the user a second time as claimed by the applicant. Ye, however, teaches the use of a Global Positioning System (GPS) to update the physical location of the network user (Abstract, paragraph 3). GPS systems inherently provide continuous (including the second time) modification of the physical location of a user. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al with the ability to modify the location of the network user a second time as taught by Ye for the advantage of supporting the mobility of network users.

As per Claim 7, Bonnaure et al explicitly discloses that the user's computer system is coupled to the first computer system via the Internet (Figure 7).

As per Claim 8, Bonnaure et al expressly discloses that the user's computer system is coupled to the Internet via a telephone connection and the physical location is based on a location of the telephone connection (page 18, last paragraph).

As per Claim 9, Bonnaure et al teaches defining a local area relative to the physical location associated with the user's web-site such that the physical locations associated with the selected links to the plurality of first web-sites is in the local area (page 19, second paragraph).

Claim 16 contains limitations already covered in the rejections of Claims 1 and 2, so the same rejections apply to the rejection of this Claim.

Claim 17 is a system claim containing limitations already covered in the rejection of Claim 1 above, so the same rejection applies to the rejection of this Claim.

Claim 18 is a system claim containing limitations already covered in the rejection of Claim 9 above, so the same rejection applies to the rejection of this Claim.

In Claim 25, the applicant frames the limitations of Claim 1 in the context of a merchant providing services to network users in the same local area as the merchant. Bonnaure et al expressly discloses that his system provides this particular functionality (page 19, paragraph 2, lines 5–9 and page 22, paragraph 22). The remaining limitations in this Claim were already covered in the rejection of Claim 1, so the same rejections apply to the rejection of this Claim.

Claim 33 contains limitations already covered in the rejections of Claims 4 and 9, so the same rejections apply to the rejection of this Claim.

Claim 34 contains limitations already covered in the rejection of Claim 6, so the same rejection applies to the rejection of this Claim.

Claim 35 contains limitations already covered in the rejection of Claim 8, so the same rejection applies to the rejection of this Claim.

6. Claims 10, 11, 13–15, 19, 20, 22–24, 26, 27, 29–32 and 36–43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnaure et al and Ye as applied to claims 1 and 9 above, and further in view of Tornetta (US Patent No. 5,032,989).

As per Claims 10, 19, 26 and 32, it has been establish in the rejection of previous claims that Bonnaure et al and Ye teach a method for providing information and services to users of a network where the web-site used in the network are associated

associated with a physical location and the information and services are available to users within a local area of a user's web-site. Bonnaure et al and Ye do not explicitly state that the local area is a circular area having a predetermined radius from the physical location associated with the user's web-site. Tornetta discloses a real estate search and location network where the user specified local area is a circular area having a predetermined radius from the physical location associated with the user's web-site (column 9, lines 57–65). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al and Ye with the ability to select a circular area having a predetermined radius from a physical location as taught by Tornetta for the advantage of permitting the user to specify the precise location and local area of interest (Tornetta, column 9, lines 24–27).

As per Claims 11, 20 and 27, the teachings of Bonnaure et al and Ye do not explicitly state that the local area is a political area including the physical location associated with the user's web-site. Tornetta teaches that the property listings in his system's real estate search and location system include the property address and this address inherently includes the property political area (column 4, line 62). Tornetta also teaches that his system supports custom searches on the property listing database (column 2, lines 54–55). Official Notice is taken that both the concept and advantages of conducting a database search on a specific database attribute are well known and expected in the computer database arts. It would also have been obvious to be able to search on a political area in the Tornetta database, because real estate buyers usually seek to buy in a particular city or county. It would have been obvious to a person of



ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al and Ye with the capability of defining a political area as the local area as taught by Tornetta for the advantage of permitting the user to specify the precise location and local area of interest.

As per Claims 13, 22 and 31, it has already been established by the teachings of Bonnaure et al, Ye and Tornetta that a local area is established by using a circle of a predetermined radius. Tornetta teaches further that the circle radius can be established by graphically changing the radius of a "rubber band" circle on the graphically displayed map. Official Notice is taken that both the concept and advantages of creating circles, squares, rectangles on graphically displayed entities are well known and expected in the computer graphics and mapping arts. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al, Ye and Tornetta with the ability to define a local area as a square to get the invention as claimed by the applicant. The advantage would be to allow the user to define the shape of the local area of interest in a way that more closely corresponds to the gridlines on maps.

As per Claims 14, 23 and 29, it has already been established that the combined teachings of Bonnaure et al, Ye and Tornetta allow the user to graphically establish a circular local area around a specific geographical location. Tornetta goes on to teach that the local area can include a threshold amount of entries (column 9, line 66 through column 10, line 21). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al and Ye with the

ability to establish a threshold amount as taught by Tornetta for the advantage of limiting the local area to those entities the meet the desired parameters.

As per Claims 15, 24 and 30, Bonnaure et al explicitly teaches that a geographical region can be defined to specific defined sub-region based upon the phone number connection locations as claimed by the applicant (page 18, paragraph 3).

Claims 36–38 and 40–43 simply add a billing limitation to the limitations already covered in the rejections of Claims 25–27, 29–31 and 35. Official Notice is taken that both the concept and advantages of billing a merchant for providing a network service to that merchant are well known and expected in the art. It would have been obvious to bill the merchant for any service the network provided to that merchant for the advantage of paying for the costs of running the service. For example, Tornetta teaches that his real estate search and location service would charge both the buyers (column 3, lines 58–68) and the sellers (column 4, lines 1–12).

7. Claims 12, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnaure et al, Ye and Tornetta as applied to claims 9, 18 and 25 above, and further in view of Zoken (US Patent No. 5,944,787).

It has already been established that Bonnaure et al, Ye and Tornetta teach that a local area can be established including the physical location associated with the user's web-site using various methods for establishing or defining the local area. These teachings, however, have not expressly stated that the local area is a zip code area as claimed by the applicant. Zoken discloses a method and system for automatically finding a postal address from an e-mail address (column 2, lines 13–34). It would have

been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al, Ye and Tornetta with the ability to extract the zip-code as taught by Zoken for the advantage of identifying customer in a local area in order to mail out promotional mailing material.

Claim 39 simply adds a billing limitation to the limitations already covered in the rejection of Claim 28. Official Notice is taken that both the concept and advantages of billing a merchant for providing a network service to that merchant are well known and expected in the art. It would have been obvious to bill the merchant for any service the network provided to that merchant for the advantage of paying for the costs of running the service.

### ***Conclusion***

8. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Tornetta, (US Patent No. 4,870,576) earlier Tornetta patent.
- Sotiroff et al (US Patent No. 5,852,810) teaches the use of the Internet to supply geographic specific information.
- Perlman (US Patent No. 5,862,220) and (WO 97/47106) other WebTV™ patents that teach improved routing and the supplying of information and services based geographically based addresses.
- Bonnaure et al (US Patent No. 5,862,339) is the US patent equivalent to the PCT patent cited in the above claim rejections.


Art Unit: 2764

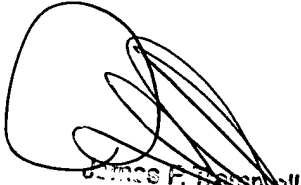
- Brown et al (US Patent No. 6,026,368) teaches the supplying to information to target market of users and includes billing for these services.
- Smorodinsky et al (PCT Patent No. WO 99/46907) teaches providing a service over a network based upon a request for the service that identifies the service and the particular server that provides the requested service.
- "DataSite Offers Environmental Site Assessment Aid", Information Today, Vol. 13, No. 6, p20+, June 1996.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard W. Hess whose telephone number is (703) 308-6287. The examiner can normally be reached on M-F (7:00-4:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-5357 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Richard W. Hess  
July 31, 2000

  
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